UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 March 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12,22,25-28,32 and 41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12,22,25-28,32,and 41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-12, 22, 25-28, 32, and 41 are currently pending in the application.

Claims 13-21, 23-24, 29-31, 33-40, and 42-43 have been canceled.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-8, 10-12, 22, 25-28, 32, and 41 are rejected under 35 U.S.C. 102(e) as

being anticipated by Wu et al. (Newly Cited US 7,039,721).

Regarding claims 1, 22, 25, and 32, Wu et al. disclose a system for providing

address information for reaching a terminal, the system comprising:

a wireless communication network (see Figure 1 and column 4 line 25, wireless

system),

a wireless terminal coupled to the communication network (see Figure 1 secret

host 18), the terminal having a private address in the wireless communication network

(see column 3 lines 52-55) and being configured to have a dynamically allocated

varying public address (see column 6 lines 1-6, the secret host sends packets out with

the public host IP address, where the public host IP address varies between the public

host address and the alternate public host address), and the wireless terminal being

configured to be reachable from outside of the wireless communication network by

means of the varying public address (see column 5 lines 37-57, directing request to the

IP address of the public host and then forwarding all requests to the secret host); and

at least one other communicating party, the at least one other communication

party being an originating party of communication between the wireless terminal and the

at least one other communication party (see column 5 lines 46-57, the source of the

request sends the request to the secret host);

the wireless terminal being configured to dynamically notify substantially directly

the at least one other communicating party of a current public address of the terminal

(see column 6 lines 1-25 and column 6 line 62 – column 7 line 4, the secret host

sending packets out with the public host IP address and notifying select clients of a

public IP address).

Wu et al. also disclose a wireless terminal comprising a processor (see Figure 2

central processor 40), associated memory (see Figure 2 memory 42), and a computer

readable medium embodying a computer program executable in the wireless terminal

(see Figure 2 storages 44 and 46).

Regarding claims 2 and 26, Wu et al. disclose the method, wherein the

notifying comprises dynamically sending an address update request substantially

directly to the at least one other communicating party (see column 6 lines 1-25 and

column 6 line 62 – column 7 line 4), the address update request comprising a source

address and a destination address (see column 6 lines 1-6 and column 6 line 62 –

column 7 line 4, sending packets out with the public host IP address so that it appears that all data is coming from the public host and it is inherent that the packets also comprising a destination address in order to route packets to a particular client);

regarding claim 3, the sending an address update request is repeated periodically (see column 6 lines 1-25 and column 6 line 62 – column 7 line 4);

regarding claims 4 and 27, the notifying comprises:

dynamically finding out a public address allocated to the wireless terminal at a given moment for obtaining the current public address of the wireless terminal (see column 5 line 64 – column 6 line 6 and column 6 line 62 – column 7 line 4), and

sending the current public address of the wireless terminal substantially directly to the at least one other communicating party (see column 6 lines 1-6 and column 6 line 62 – column 7 line 4);

regarding claim 5, the sending is conducted if the current public address has changed after the previous sending of the current public address (see column 6 line 62 – column 7 line 4);

regarding claim 6, finding out the current public address comprises querying the public address of the wireless terminal from an external entity capable of seeing the public address of the wireless terminal (see column 6 lines 19-21, querying the DNS server requesting the IP address of the alternate host);

regarding claim 7, finding out the current public address comprises polling substantially continuously the current public address (see receiving all requests at the secret host from the public host);

    regarding claims 8 and 28, further comprises choosing conditionally which other communicating parties are notified of the current public address (see column 6 lines 16-19);

    regarding claim 10, further comprises maintaining the current public address in the at least one other communicating party in association with identification information associated with the wireless terminal, so that the address information for reaching the wireless terminal is readily available in the at least one other communicating party by means of the identification for future use (see column 6 lines 1-25 and column 6 line 62 – column 7 line 4);

    regarding claim 11, the identification information is a predefined host name (see column 6 lines 1-25 and column 6 line 62 – column 7 line 4);

    regarding claim 12, the at least on other communicating party is one of the following: a general-purpose computer (see column 4 lines 26-45).

    Regarding claim 41, Wu et al. disclose a communicating party configured to receive address information for reaching another communicating party substantially directly from the another communicating party (see column 6 lines 1-25 and column 6 line 62 – column 7 line 4, the secret host sending packets out with the public host IP address and notifying select clients of a public IP address, where the client corresponds to the communicating party and the secret host is the another communicating party), the another communicating party being an originating communicating party of communication between the another communicating party and the communicating party

(the secret host originates the notifying the select clients of the alternate host IP

address), wherein the communicating party is further configured:

to receive an address update request from the another communicating party (see

column 6 lines 1-25 and column 6 line 62 – column 7 line 4, receiving the alternate

public host IP address from the secret host), and

to use a source address of the address update request as seen by the

communicating party as a current public address of the another communicating party

(see column 6 lines 1-25 and column 6 line 62 – column 7 line 4, the packets appear to

be sent from the public host because of the host IP address),

wherein the another communicating party has a private address in a first wireless

network (see column 3 lines 52-55) and a dynamically allocated varying public address

(see column 6 lines 1-6, the secret host sends packets out with the public host IP

address, where the public host IP address varies between the public host address and

the alternate public host address), and wherein the another communicating party is

reachable from outside of the first wireless communication network by means of the

varying public address (see column 5 lines 37-57, directing request to the IP address of

the public host and then forwarding all requests to the secret host).

Claim Rejections - 35 USC § 103

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al.

in view of Ebata et al. (Newly Cited US 2002/0173310).

Regarding claim 9, Wu et al. disclose that the choosing is conducted to whom the

current public address shall be available (see column 6 lines 1-25 and column 6 line 62

– column 7 line 4, notifying select clients). Wu et al. do not explicitly disclose choosing

on the basis of predefined profile information. However, Ebata et al. from the same or

similar fields of endeavor disclose choosing on the basis of predefined profile

information (see paragraph 103, selecting based on the predetermined routing cost).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of

the invention to implement the system for choosing on the basis of predefined profile

information as taught by Ebata et al. into the system of Wu et al. in order to allow

greater accuracy selection (see paragraph 103).

Response to Arguments

8.   Applicant's arguments filed 3/18/2009 have been fully considered but they are

not persuasive.

        On page 2 of the Remarks, the Applicants submit that Wu does not disclose a

dynamically *allocated* varying public address, but rather discloses the selection of public

addresses by the secret node. The Examiner respectfully disagrees. While the

Examiner agrees that Wu discloses the selection of public addresses by the secret

node, the Examiner notes that Wu discloses that, before the selection of public

addresses by the secret node is performed, the public addresses are allocated to the

secret host by the Domain Name Server (DNS) (see column 1 lines 14-20 and column 6

lines 35-40, and column 6 lines 65 - column 7 line 4). Thus, broadly construed, Wu

discloses a secret host having a secret/private address (see column 3 lines 53-55 and

column 7 lines 7-9) and being configured to have a dynamically allocated varying public

address (see column 6 lines 1-25 and column 6 line 62 – column 7 line 4, the secret

host sends packets out with the public host IP address, where the public host IP

address varies between the public host address and the alternate public host address,

in which the secret node requests that its DNS server replace the current public node IP

address with the IP address of the alternate public node). The Examiner encourages the

Applicants to amend the claims to better reflect what the Applicants intend to claim as

their invention.

Thus, in view oft the above reasoning, the Examiner believes the rejection should

be sustained.

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   **Examiner's Note**: Examiner has cited particular columns and line numbers in the

references applied to the claims above for the convenience of the applicant. Although

the specified citations are representative of the teachings of the art and are applied to

specific limitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the applicant in preparing responses, to fully

consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the Examiner.

   In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pao Sinkantarakorn whose telephone number is

(571)270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-

3:00pm EST.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. S./   /Ricky Ngo/
Examiner, Art Unit 2416   Supervisory Patent Examiner, Art
                                                        Unit 2416